

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1913

H.P. 1414

House of Representatives, March 9, 2004

An Act To Establish the Department of Health and Human Services

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative KANE of Saco. (GOVERNOR'S BILL)
Cosponsored by Senator MARTIN of Aroostook and
Representatives: Speaker COLWELL of Gardiner, MILLETT of Waterford, O'BRIEN of
Augusta, PERRY of Calais, Senators: CATHCART of Penobscot, DAVIS of Piscataquis,
TURNER of Cumberland, WESTON of Waldo.

must be submitted to the Second Regular Session of the 122nd
Legislature by January 31, 2006.

Sec. B-2. Maine Revised Statutes amended; revision clause.

Wherever in the Maine Revised Statutes the words "Department of Human Services" or "Department of Behavioral and Developmental Services" appear or reference is made to either of those departments with reference to the duties transferred to the Department of Health and Human Services as set forth in this Act, they are amended to read or mean, as the case may be, "Department of Health and Human Services." The Revisor of Statutes shall implement this revision when updating, publishing or republishing statutes.

Sec. B-3. Maine Revised Statutes amended; revision clause.

Wherever in the Maine Revised Statutes the words "Commissioner of Human Services" or "Commissioner of Behavioral and Developmental Services" appear or reference is made to either of these positions with reference to the duties transferred to the Commissioner of Health and Human Services as set forth in this Act, they are amended to read or mean, as the case may be, "Commissioner of Health and Human Services." The Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. B-4. Budget.

The Department of Administrative and Financial Services, Bureau of Budget shall work with the employees of the Department of Human Services and the Department of Behavioral and Developmental Services with regard to the duties transferred to the Department of Health and Human Services as set forth in this Act to develop the budget for the Department of Health and Human Services.

Sec. B-5. Transitional activities.

If the Commissioner of Health and Human Services determines that federal approval will not be obtained for any part of this Act that requires federal approval, the commissioner shall notify the joint standing committee of the Legislature having jurisdiction over health and human services matters, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the Executive Director of the Legislative Council.

Sec. B-6. Conflicts and inconsistencies.

If the Commissioner of Health and Human Services finds a conflict or inconsistency between provisions in the Maine Revised Statutes, Title 22 and Title 34-B or rules adopted under those titles, then the commissioner shall attempt to resolve that conflict or inconsistency by reading the laws or rules together to give effect to the intent of the Legislature or agency, as the case may be. If the conflict or inconsistency can not be resolved, then